



REDWOOD COUNTY ENVIRONMENTAL OFFICE

**Planning & Zoning ● Parks & Trails ● GIS
Aquatic Invasive Species ● Septic Inspector
Drainage Inspector ● Agricultural Inspector**

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REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: April 10, 2017

A meeting of the Redwood County Planning Commission convened on Monday, the 10th day of April, 2017, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Scheffler, John Rohlik, Jr., Dave Mattison, Mark Madsen, Mike Kaufenberg, and Commissioner Dave Forkrud. Also present were the following individuals: Patrick Delmore, Robert Vogl, Josh Vogl, Environmental Director Scott Wold, and Land Use & Zoning Supervisor Nick Brozek.

At approximately 1:00 p.m., Planning Commission Chair John Rohlik called the meeting to order. Chair Rohlik read aloud the rules of the meeting.

At 1:02 p.m. Chair Rohlik called to order a public hearing on an Extraction Conditional Use Permit submitted by Jared Maas.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the application:

1. An *Application for Extraction Conditional Use Permit* has been filed by Jared Maas for the extraction, processing, and stockpiling of gravel material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: the North Half of the Southeast Quarter (N1/2 SE1/4) AND the Northeast Quarter (NE1/4) of Section 28, Township 110 North, Range 38 West, Johnsonville Township.
2. This site was originally permitted by Maas in 2014. He now wants to extend the area of excavation to the southeast. Some areas which were permitted in 2014, but were never mined, are being removed from the permitted extraction area so that the total acreage to be mined will not exceed 10 acres. This new permit, if approved, will replace the 2014 permit.
3. Proposed extraction area will be 10 acres in area, including equipment storage and overburden stockpiling areas. The extraction area lies across three different zoning districts: (1) the "A" Agricultural District; (2) the "FP" Floodplain District; and (3) the Shoreland District.
4. Gravel mining is a Conditional Use in all three of the above-referenced zoning districts. Specifically, Section 5, Subd. 4.3.B. of the Ordinance states that "[e]xtraction and storage of sand, gravel, and other materials" is a Conditional Use in the Floodway. Section 7, Subd. 3.6. of the Ordinance states that "[e]xtraction, processing or storage of sand, gravel, stone or any other raw materials as regulated in Section 16, Subdivision 5 of this Ordinance" is a Conditional Use in the Agricultural District. Finally,

Section 4.2.B.(2.) of the Shoreland Ordinance states that “*the extraction, storage, or processing of sand, gravel, stone, clay, or other raw material*” is a Conditional Use in the Shoreland District.

5. It should be noted that processing of material is not listed as a Conditional Use in the Floodway, though it is in the other Districts. Neither is it listed as a Permitted Use in the Floodway. Section 4, Subd.5 of the Ordinance states that “[w]henver in any zoning district a use is neither specifically permitted or denied the use shall be considered prohibited.” Consequently, processing of material is prohibited in the Floodway and therefore any crushing that is performed on the site must be done outside of the Floodway District.
6. The Floodplain Ordinance contains specific standards for Floodway Conditional Uses in order to prevent excessive flood damage in connection with the use. Specifically, Subdivision 4.4.F.(2.) states that stored material and equipment must be “readily removable from the area within the time available after a flood warning.” Additionally, the Planning Commission must base its decision to recommend a Permit for approval on the following factors, in addition to the factors required for a CUP outside the Floodplain:
 - (1.) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (2.) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - (3.) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - (4.) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (5.) The importance of the services provided by the proposed facility to the community.
 - (6.) The requirements of the facility for a waterfront location.
 - (7.) The availability of alternative locations not subject to flooding for the proposed use.
 - (8.) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9.) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - (10.) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (11.) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - (12.) Such other factors which are relevant to the purposes of this Ordinance.
7. No structures will be located on site. However, equipment may be temporarily stored on site. The extraction will be completed by Jared Maas. The life expectancy of the extraction operation is ten (10) years, concluding on April 18th, 2027. April 18th is the date of expiration of Mass’ reclamation surety.

8. Excavation will extend to a maximum depth of thirty (30) feet. This is an increase over the 2014 permit, which had a maximum depth of fifteen (15) feet. The primary reason for the original 15 foot depth maximum was that excavation to that depth can occur easily without the need to pump water out of the pit. However, the narrowest point of the proposed excavation is 290 feet across, which should easily allow the site to be reclaimed to the required 3:1 slope – 30 feet of rise over 145 feet of run (to the center of the excavation) is about 5:1 slope.
9. In order to excavate to a depth of 30 feet, pumping out groundwater will probably be necessary. Maas will need to apply for and obtain a dewatering permit from the State of Minnesota before dewatering the pit.
10. Overburden ranges in depth from 3 to 8 feet. Stockpiling of gravel material will be on the west side of the site in the early stage and will extend into the northwest corner as the project progresses. Overburden will be stockpiled for reclamation of the site when the excavation is completed. A crusher will be located on the site and crushing of material will occur as needed.
11. In the 2014 permit, the excavation area is limited on the southeast side by a natural waterway flowing down to the Cottonwood River. The current application proposes to put in a crossing over the waterway and excavate additional ground on the opposite side of the waterway. Excavation will begin adjacent to the water, with a 25 foot setback therefrom, and move to the southeast.
12. The proposed pit property is located on the east side of, and abuts, County Hwy 10. However, Mr. Maas plans to access the pit from 180th Street, to the north of the site, through another property owned by Mr. Vogl. From 180th, the material may be hauled ½ mile east to CSAH 10, 2.5 miles west to CSAH 5, or 1 mile north to CSAH 4.
13. At the end of the ten (10) year period all extraction will cease and the area will be reclaimed by leveling and smoothing the ground to a 3:1 slope. Overburden will be replaced and seeded. A pond will be left in the lower area of the excavation. All other areas will be returned to pasture/grassland. Reclamation of the new excavation area on the southeast side of the waterway may include a pond. As an alternative, Maas will use earthen material from the uphill slope of the land north of the excavation site to fill in the pit and return the entire new excavation to grassed pasture. The potential borrow site from which fill material will be obtained for this is indicated on the maps attached to the permit application.
14. Pursuant to Sec. 16, Subd. 5, Subp. G of Redwood County Zoning Ordinance, the applicant is required to provide proof of bodily injury, property damage, and public liability insurance in the amount of at least \$1,000,000.00 per occurrence. Mr. Maas has provided a Certificate of Liability Insurance for a commercial general liability policy with a \$1,000,000.00 limit per occurrence and a \$2,000,000 general aggregate.
15. Pursuant to Sec. 16, Subd. 5, Subp. H of Redwood County Zoning Ordinance, the applicant is required to post a bond, cash deposit, irrevocable letter of credit, or other security to Redwood County in the amount of \$2,000.00 per acre, a minimum of \$10,000.00, or 125% of the estimated/bid value to reclaim the property, whichever is greater. The Redwood County Board of Commissioners may require a higher surety amount, if in the reasonable discretion of the County, the unique characteristics of the proposed project require more substantial restoration or reclamation. Further, pursuant to Sec. 16, Subd. 5, Subp. I of Redwood County Zoning Ordinance, “[s]ureties shall be for a minimum of one year beyond the ending date of Conditional Use Permit.” Mr. Maas has provided an Irrevocable Standby Letter of Credit issued by First Independent Bank of Lucan in the amount of \$20,000.00, which expires on April 18th, 2028.

16. No county tile lines or open ditches are located near the proposed extraction site.
17. The soils of the proposed conditional use site are classified as follows: *Terril loam, 2 to 6 percent slopes; Ves-Storden loams, 3 to 6 percent slopes, eroded; Ves loam, 3 to 6 percent slopes, eroded; and Delft-Webster complex.*
18. A copy of Mr. Maas' Extraction Conditional Use Permit Application has been forwarded to the Minnesota Department of Natural Resources for comment in regard to the Cottonwood River floodplain and to the Redwood County Soil and Water Conservation District Office for comment in regard to protected wetlands. As of the date of this memorandum, no comment has been received from the DNR. The SWCD recommends that a 25 foot setback be maintained between the excavation and the waterway, on both sides of the waterway.
19. The Environmental Office was contacted by telephone by Tyler Erickson of Northwestern Farm Management on behalf of a client who owns land west of Mr. Vogl's property. Erickson expressed concern about the setback between his client's land and the excavation. It was explained to him that the excavation would be extended to the southeast only. He stated that he has no additional concerns. No other public comment has been received as of the date of this memorandum.
20. The proposed conditions for the *Application for Extraction Conditional Use Permit* submitted by Jared Maas are attached hereto.

Jared Maas was present to explain the project. Maas made the following statements to the Planning Commission:

- This permit is to change the boundaries of the existing gravel pit.
- Asking to increase depth of excavation to 30', from the 15' permitted in 2014.
- Location of stockpiles and crushing will be the same as in 2014 permit.
- Access road also the same as before, 180th Street.
- There is a natural waterway on the site that the Soil and Water Conservation District (SWCD) wanted to avoid. 2014 permit put a 50' setback on the mining activities from this waterway, but now that will be reduced to 25' per SWCD approval.
- The new boundaries will create an additional pond after reclamation, on the opposite side of the grassed waterway as permitted in 2014. This second pond may end up being reclaimed to pasture instead, using overburden from Vogl's pasture to the northeast.
- Same scope of operations as has existed for the last three years, Maas just needs more material.

Chair Rohlik asked Brozek for background on the project and 2014 permit. Brozek supplied the following information:

- SWCD originally wanted the grassed waterway to have a 50 foot setback. Now they have reconsidered and are allowing a 25 foot setback.
- Also, they are allowing a culvert crossing so that Maas can access 5 acres for excavation on the opposite side of the waterway.
- In the current application Maas is seeking to redraw the permitted area pit boundaries to exclude areas that couldn't be mined under the 2014 permit and include the 5 additional acres across the waterway. In this way, the new permitted acres will remain at 10 acres, as in 2014, but will include more mineable acres and fewer acres which cannot be mined.
- The new permit will extend the lifespan of the entire extraction site for a new ten year term.

Mattison asked about what the culvert crossing will look like. Brozek said it will need to meet SWCD specifications and must be removed at the end of the permit to the satisfaction of SWCD, unless SWCD determines it can remain in place longer.

Brozek related to the Commissioners a conversation he had with Lucas Youngsma of the DNR, in which Youngsma recommended a 150' setback between the extraction and the Cottonwood River. Brozek reviewed the maps of the site and determined that increasing the setback from 100' to 150' will not remove much of the mineable area of the site (about ¼ of an acre), and suggested that the Planning Commission follow DNR's recommendation. The total acreage calculated based on the application was just over 10 acres. With a 150' setback from the river the total mineable area will instead be just less than 10 acres.

Chair Rohlik inquired if anyone was present to support the project. Robert Vogl, the landowner, stated that he supports the project.

Chair Rohlik inquired if anyone was present to oppose the project. Pat Delmore came forward. Delmore made the following statements:

- He farms across County Hwy 10 from the project site.
- He came to the meeting to gain a better understanding of the project, including its specific location. Looking at the maps, he sees that it is about ½ mile west of County Hwy 10.
- Has environmental concerns in connection with the projects effect on the Cottonwood River, but also supports property owner rights to use their property as they wish.
- He spoke with Brozek prior to the meeting and most of his concerns were addressed adequately.
- He has no objection to the project as long as environmental rules and conditions are followed and there is no mining on the east side of County Hwy 10.

In response to Mr. Delmore, Robert Vogl stated that in the future he will not be mining on the east side of County Hwy 10.

Chair Rohlik closed the public meeting at 1:17 pm.

Chair Rohlik led the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached).

Madsen made a motion to recommend approval of Conditional Use Permit application #4-17, subject to the conditions proposed by staff, as amended to include a 150' setback from the Cottonwood River. Scheffler seconded the motion and it passed unanimously.

Brozek informed the audience that the permit would be recommended for approval by the Redwood County Board of Commissioners at the April 18th Commissioner meeting.

The Commissioners reviewed and discussed the minutes from the February 27th Planning Commission meeting. On a motion by Scheffler seconded by Mattison the minutes from the February 27th Planning Commission meeting were unanimously approved.

The Commissioners discussed the new Finding of Facts worksheet. Brozek suggested that the reading of the meeting procedure and findings of fact can be delegated to staff.

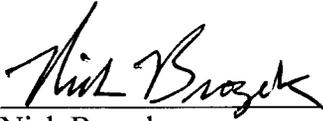
Brozek discussed the permit applications received for the May 22nd Planning Commission meeting.

Wold presented to the Commission regarding upcoming meetings on April 24th regarding the Beacon online map program that the County has provided for the public.

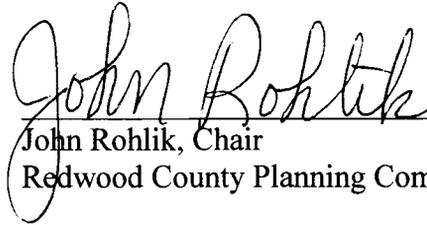
Wold presented to the Commission regarding the Ordinance update project. Staff has been working with the consultant on ordinance section by section, which have been divided into sections that the consultant will fully review, sections that will receive light review, and sections that county staff will review. They are about 25% complete. In the coming weeks more headway will be made.

Wold presented to the Commission regarding the progress of the Buffer Ordinance.

On a motion by Mattison, seconded by Forkrud, and passed unanimously, the meeting was adjourned at 1:38 p.m.



Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office



John Rohlik, Chair
Redwood County Planning Commission

Redwood County Planning Commission Meeting

Date: April 10, 2017

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